



महाराष्ट्र शासन राजपत्र असाधारण भाग पाच-अ

वर्ष १, अंक २२ (२)] मंगळवार, डिसेंबर ८, २०१५/अग्रहायण १७, शके १९३७ [पृष्ठे ५, किंमत : रुपये ३६.००

असाधारण क्रमांक ४४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद)

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 8th December, 2015 is published under Rule 117 of the Maharashtra Legislative Assembly Rules.

L. A. BILL No. L OF 2015.

A BILL

further to amend the Maharashtra Regional and Town Planning Act, 1966.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Regional and Town Planning (Third Amendment) Ordinance, 2015, on the 29th August 2015 ;

Mah.
XXXVII
of 1966.
Mah.
Ord.
XVIII
of 2015.

(१)

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows : —

Short
title and
commence-
ment.

1. (1) This Act may be called the Maharashtra Regional and Town Planning (Fourth Amendment) Act, 2015.

(2) It shall be deemed to have come into force on the 22nd April 2015.

Insertion
of section
26A in Mah.
XXXVII of
1966.

2. After section 26 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “ the principal Act ”), the following section shall be inserted, namely :—

Mah.
XXXVII
of 1966.

Revised
draft
Development
plan.

“ **26A.** (1) Notwithstanding any time-limit fixed in sections 23, 25 and 26, the State Government may, at any stage of preparation of draft Development plan, in the larger public interest and for reasons to be recorded, by Order, direct the Planning Authority or the said Officer, to prepare a revised draft Development plan. On such Order being issued, the concerned Planning Authority or the said Officer, shall publish a revised draft Development plan, in the manner as provided by section 26, within the time-limit specified in the Order :

Provided that, the State Government may, either *suo motu* or on application from the Planning Authority or the said Officer, by an Order and for reasons to be recorded therein, extend the said time-limit for publication of the revised draft Development plan.

(2) It is hereby declared that, any direction issued by the State Government to the Planning Authority or the said Officer, during the period commencing on the 22nd April 2015, being the date of commencement of the Maharashtra Regional and Town Planning (Fourth Amendment) Act, 2015 and ending on the 29th August 2015, being the date of publication of the Maharashtra Regional and Town Planning (Third Amendment) Ordinance, 2015 in the *Official Gazette*, shall be deemed to have been issued under this section.”.

Mah.
.....
of 2015.
Mah.
Ord.
XVIII
of 2015.

Repeal of
Mah. Ord.
XVIII of
2015 and
saving.

3. (1) The Maharashtra Regional and Town Planning (Third Amendment) Ordinance, 2015, is hereby repealed.

Mah.
Ord.
XVIII
of 2015.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification, order or directions issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Chapter III of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) provides for preparation, submission and sanction to Development plan. Section 31 of the said Act provides for the sanction of the State Government to the draft Development plans prepared by the Planning Authorities prepared under the sections 26 to 30 of the said Act.

2. In some cases it was observed that the Development plan prepared by the Planning Authorities was defective and have irregularities and was not consistent with the ground realities which necessitate it to be corrected at the initial stage, before submission thereof to the State Government.

3. The State Government, therefore, considered it expedient to amend the said Act with a view to provide that, if the draft Development plan prepared and published by the Planning Authority under section 26 of the said Act, shall, if so directed by the State Government, be rectified at the level of the Planning Authority and that a revised draft Development plan prepared accordingly be published for inviting objections and suggestions from the general public.

4. Sub-section (1) of section 154 of the said Act, as substituted by Mah. XLIII of 2014, empowers the State Government to issue directions or instructions to the Regional Board, Planning Authority or Development Authority for implementing or bringing into effect the Central or State Government programmes, policies or projects or for the efficient administration of the said Act or in the larger public interest. It further provides that, it shall be the duty of these authorities to carry out such directions or instructions, within the time-limit specified in such directions or instructions.

However, the legal position as to whether the powers under said sub-section (1) of section 154 can be invoked with a view to direct the Planning Authority to undertake revision of the draft Development plan which was defective, was not free from doubt.

5. It was, therefore, considered expedient to incorporate a new section 26A, with a view to make an explicit provision in the said Act to the effect that the State Government may, at any stage of preparation of draft Development plan, in the larger public interest and for reasons to be recorded, by Order, direct the Planning Authority or the said Officer, to prepare a revised draft Development plan. It was also considered expedient to provide that, on such Order being issued, the concerned Planning Authority or the said Officer, shall publish a revised draft Development plan, in the manner as provided by section 26, within the time-limit specified in the Order issued by the State Government.

6. Since, the said sub-section (1) of section 154, as substituted by Mah. XLIII of 2014, came into force on the 22nd April 2015, it was also considered expedient to provide that, the then proposed section 26A shall be deemed to have come into force from that date *i.e.* the 22nd April 2015. It was also considered expedient to provide that any direction issued by the State

Government to the Planning Authority or the said Officer, after the said date, *i.e.* the 22nd April 2015, shall be deemed to have been issued under the provisions of the said section 26A.

7. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which render it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), for the purposes aforesaid, the Maharashtra Regional and Town Planning (Third Amendment) Ordinance, 2015, (Mah. Ord. XVIII of 1915), was promulgated by the Governor of Maharashtra on the 29th August 2015.

8. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 20th October, 2015.

DEVENDRA FADNAVIS,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 2.—Under this clause, which seeks to insert new section 26A in the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966),—

(a) under sub-section (1) thereof, power is conferred upon the State Government to issue an order directing the Planning Authority or the Officer, at any stage of preparation of draft Development plan, in the larger public interest and for reasons to be recorded, to prepare a revised draft Development plan ;

(b) under the proviso to the said sub-section (1), power is conferred upon the State Government to issue an order either *suo motu* or on application from the Planning Authority or the Officer extending, the time-limit for publication of the revised draft Development plan.

2. The above-mentioned proposals for delegation of legislative power are of a normal character.

VIDHAN BHAVAN :

Nagpur,

Dated the 8th December, 2015.

Dr. ANANT KALSE,

Principal Secretary,

Maharashtra Legislative Assembly